

of the oldest neighborhoods in one of the oldest cities in the country. It has a lot of history. This is going to be adding to the lore. I think, as they clean up and get back in business, it will be stronger than ever.

I am very pleased that all of us, the executive branch and legislative branch, are making sure the funds are there to help those small business owners, men and women, get back on their feet, get their customers in those doors again, keep those people working.

I thank you all for this effort. I hope this will pass unanimously after we dispose of the action on judges shortly.

I look forward to making sure we work together to get America—whether in Florida or Virginia or elsewhere—moving forward.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF VIRGINIA MARIA HERNANDEZ COVINGTON TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA

#### NOMINATION OF MICHAEL H. SCHNEIDER, SR., TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS

The PRESIDING OFFICER. The clerk will report the nominations.

The assistant legislative clerk read the nominations of Virginia Maria Hernandez Covington, of Florida, to be United States District Judge for the Middle District of Florida, and Michael H. Schneider, Sr., of Texas, to be United States District Judge for the Eastern District of Texas.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent the last 5 minutes of debate be granted to the two Senators from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, this will be counted against the time for the majority; is that right?

Mr. HATCH. Yes.

Mr. President, I am pleased that the Senate is turning its attention to the

confirmation of judges this evening. The record will note that the Senate Judiciary Committee has worked hard to ensure President Bush's judicial nominees have been given the appropriate scrutiny. I have also made every effort to ensure fair treatment of the nominees. While there has been a bit of obstructionism in the advice and consent process, including unprecedented filibusters, we have made significant progress.

During the 107th Congress, during which the Democrats held the majority for most of the Congress, the Senate confirmed 100 of President Bush's nominees. Thus far, in the 108th we have confirmed 98, and with the expected confirmation of these judges, we will match the record established by Senator LEAHY. I recognize him for the good work he has done on many of the nominees and thank him for his cooperation as ranking member. There is still some work to be done, and I am hopeful that additional nominees will be confirmed by this Senate. Our Senators certainly deserve that kind of consideration.

Today I rise in support of the nomination of Virginia Maria Hernandez Covington to the United States District Court for the Middle District of Florida. Judge Covington is the first Cuban-American woman ever appointed to Florida's appellate courts and is currently the highest-ranking Hispanic woman serving in Florida's judiciary.

After graduating from Georgetown University Law Center, where she was the editor of the *Tax Lawyer* law review, Judge Covington began her career in public service as a trial attorney for the Federal Trade Commission. She then moved to Florida to work as an assistant state attorney for Hillsborough County, FL. In 1983, she was appointed Assistant U.S. Attorney for the Middle District of Florida, and eventually was promoted to Chief of that District's asset forfeiture section. In 2001, Governor Jeb Bush appointed her to Florida's Second District Court of Appeal, where she has served with great distinction.

While serving as an Assistant U.S. Attorney, Judge Covington lectured extensively on asset forfeiture, money laundering, and complex prosecutions to prosecutors and law enforcement personnel throughout the United States. She also lectured, taught and participated in seminars on trial advocacy practice and procedure with prosecutors, law enforcement personnel, and judges in Chile, Argentina, Mexico, Venezuela, Colombia, Costa Rica, and Honduras. As a U.S. Department of Justice liaison, she also helped the Bolivian government establish its narcotics-related asset forfeiture program.

Judge Covington's professional and civic work has won her respect and recognition throughout central Florida. Most recently, she was honored as the 2003 Hispanic Woman of the Year by Tampa Hispanic Heritage Incorporated.

Judge Covington was reported from our Committee without opposition, and I am confident that she will serve with distinction as a Federal judge. The ABA Committee agrees, unanimously rating her "Well Qualified" for the Federal bench. There is absolutely no reason to delay her confirmation to the Middle District of Florida, and I urge my colleagues to join me in voting to confirm her.

I am also pleased to speak in support of Michael H. Schneider, Sr., who has been nominated to the United States District Court for the Eastern District of Texas.

Judge Schneider has had a distinguished legal career. He began his career more than 30 years ago as an assistant district attorney in the Harris County District Attorney's Office, with a particular emphasis on economic crimes. After 4 years there, he entered the private sector, working for various industries—including the Union Pacific Railroad Company where he served as its General Solicitor. In 1989, he joined the law firm of McFall & Sartwelle, LLP, as a trial attorney. He litigated cases involving products liability defense, commercial torts and commercial fraud cases. To date, he has tried approximately 150 cases to a verdict. That is more than most attorneys even dream of trying.

In 1990, Judge Schneider became the presiding judge of the 157th District Court in Harris County, TX. From 1996 until 2002, he served as the chief justice of the Texas First Court of Appeals in Houston. In 2002, Governor Rick Perry appointed him to the Supreme Court of Texas. Justice Schneider was subsequently elected to a term that expires in 2008.

Judge Schneider brings a wealth of experience to the federal bench. Aside from a law degree from the University of Houston, he also earned his LL.M. from the University of Virginia School of Law. The ABA has rated him unanimously "Well Qualified," and I am confident that he will be an excellent addition to the federal bench in the Eastern District of Texas.

Following the two scheduled rollcall votes this evening, we will turn to the confirmation of Michael Watson, who has been nominated to the United States District Court for the Southern District of Ohio. I am hopeful that we can quickly conclude debate on this nomination and move promptly to a vote of approval for Judge Watson.

Judge Michael Watson began his legal career as a law clerk and bailiff to the Honorable Tommy L. Thompson of the Franklin County Court of Common Pleas in Ohio. He litigated a broad range of civil and criminal cases before joining the Ohio Department of Commerce as its chief legal counsel, where he served until 1992. He then joined the staff of the Office of the Governor as deputy chief legal counsel, and was promoted to chief legal counsel in 1994.

On January 1, 1996, then-Governor George Voinovich appointed Judge

Watson to the Franklin County Court of Common Pleas. Judge Watson was subsequently re-elected and, in 2003, Governor Bob Taft appointed him to Ohio's Tenth District Court of Appeals, where he currently serves.

Judge Watson brings a wealth of trial and appellate experience to the federal bench. A substantial majority of the ABA Committee rated him "Qualified" for this nomination to the federal bench, and I am confident that he will make a fine jurist. I urge my colleagues to vote to confirm him to the Southern District of Ohio.

Mr. President, I reserve the last 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in executive session.

Mr. LEAHY. How much time is reserved for the Senator from Vermont?

The PRESIDING OFFICER. Fifteen minutes.

Mr. LEAHY. I thank the distinguished Presiding Officer. I will not use all of that time because I know a score of Senators support the nomination of Judge Covington. All Democratic members of the Senate Judiciary Committee voted in favor of her nomination.

The selection of Judge Covington is an example of what happens when the judicial nominations process works as it should. She was interviewed and recommended by a Florida bipartisan judicial selection commission. Both Republicans and Democrats supported her. Her two home-State Senators strongly support her, and I do too.

Today Democrats and Republicans join together in considering the nomination of Virginia Maria Hernandez Covington to the U.S. District Court for the Middle District of Florida. The Florida Senators support the nomination of Judge Covington and all Democratic Members of the Senate Judiciary Committee voted in favor of her nomination.

The selection of Judge Covington to be the nominee for the Southern District of Florida serves as an example of how the judicial nominations process should work. She was interviewed and recommended by Florida's bipartisan judicial selection commission. This selection commission was created by Senators GRAHAM and NELSON in a negotiated agreement with the White House and it has produced talented and well-respected attorneys for the lifetime appointments on the district courts in Florida. I congratulate the Senators from Florida for their efforts to maintain this important mechanism for promoting experienced and consensus candidates for the federal bench, despite the resistance of the White House to this time-tested procedure for finding qualified and consensus nominees.

Judge Covington currently serves as Judge for the Second District Court of

Appeals in Florida, one of five appellate districts in Florida. She has served as an appellate judge since her appointment by Governor Bush in September 2001. She previously worked as a federal prosecutor and spent nearly 20 years with the U.S. Attorney's Office for the Middle District of Florida.

Judge Covington is highly regarded. I supported her nomination in the Judiciary Committee and I voted to report her nomination favorably from the Judiciary Committee. This is a nomination that was reported unanimously. Although it is after Labor Day and well past the time when Republicans traditionally shut down the judiciary confirmation process under the "Thurmond Rule," I expect that Democrats will continue our good faith efforts.

With today's unanimous consent agreement for votes on Judge Covington and another judicial nominee from Texas, the Senate will have confirmed 200 judicial nominees of President Bush. In 17 months of a Democratic majority in the Senate, we confirmed 100 of his judicial nominees, and now with a total of 26 months of Republican control of the Senate, another 100 of Bush's judicial nominees have been confirmed.

Despite all of the complaining by the President and his partisans, the fact of the matter is that with today's votes the Senate will have approved 200 of his judicial nominees. He has appointed more judges than President Ronald Reagan did in his first term, more than his father did in his presidency and more than President Clinton did in his most recent term in office. Thanks to the bipartisanship demonstrated by Senate Democrats, we have reached the lowest number of vacancies in the federal courts since the Reagan era. With today's confirmation votes there will be only 26 open seats in the entire federal bench, and there are more federal judges serving today than at any time in our history.

The Senate has withheld its consent from some of this President's most extreme and unfair nominations but nowhere near the number of moderate Clinton nominees that Republicans stalled in recent years.

Democrats have supported the swift confirmation of 20 of President Bush's Latino nominees, including three Latinos to the circuit courts, Judge Carlos Bea, Judge Consuelo Callahan, and Judge Edward Prado. Indeed, it was Senate Democrats who pressed for votes on Judge Prado and Judge Callahan while Republicans delayed them. Republicans also blocked four of President Clinton's Hispanic judicial nominees from ever being considered and delayed others for hundreds of days. Judge Richard Paez was forced to wait more than 1,500 days—longer than any nominee in history—to get a vote on his nomination. President Clinton named 11 Latino nominees for the circuit courts and Republicans blocked three of them, Jorge Rangel, Enrique Moreno, and Christine Arguello, as well

as district court nominee Ricardo Morado.

Less than 10 percent of President Bush's judicial nominees are Latino, even though this is a diverse ethnic group which constitutes a larger and growing percentage of the U.S. population. In fact, President Bush has nominated more people who have been involved with the Federalist Society than Latinos, African Americans, and Asian Americans combined. This disparity demonstrates that this President is less concerned about creating a federal judiciary of excellent, fair judges who reflect the racial and ethnic diversity of our people and more concerned about ideological purity and finding nominees who are likely to side with the President on his political agenda. It is notable that over the last year this President has failed to nominate a single Hispanic to the circuit court positions he prizes. By contrast at least six of the nine circuit court nominations this President has made during the last year are affiliated with the Federalist Society. This Administration has shown that it is committed to packing the courts with individuals who will shape the bench according to narrow ideological goals. Democrats have resisted this President's most extreme nominees to preserve federal courts that are fair, balanced and independent.

Mr. President, I would like to speak briefly about Texas Supreme Court Justice Michael Schneider, who has been nominated to the U.S. District Court for the Eastern District of Texas. I first met him when I served as the State's Attorney in Chittenden County.

As I rushed back here for the votes, I ran into Justice Schneider, who reminded me of the day we first met. I recall the day very well and when he was here for his hearing earlier this summer I told my staff about his work as a fellow prosecuting attorney years ago. I remember the time he and my dear friend Carol Vance, who was the district attorney in Harris County, came to Vermont in 1974. We had a meeting of the National District Attorneys Association and the consumer fraud units at Sugar Bush in Vermont. I recall talking with him about the problem of fraud and other white-collar crimes.

I would also noted that the district attorney of Harris County was a close friend of mine and spoke very highly about then Mr. Schneider's—Justice Schneider's—reputation as a conservative but fair-minded judge. His confirmation will fill the last remaining vacancy currently open on the Federal district courts in Texas.

I wish the White House would recognize that so many of President Bush's judicial nominees, including Texans, have been confirmed in contrast to the treatment of judicial nominees by members of the President's party who blocked more than 60 of President Clinton's judicial nominees including Texans whose nominations were subject to

lengthy delays or defeated by delays by the Republicans. The distinguished chairman will recall how the Republicans many times by just a one-person filibuster within committee delayed and defeated the nominations of Enrique Moreno, Judge Jorge Rangel, Ricardo Morado, and Judge Michael Schattman. None of these four nominees from Texas ever got a vote in the Judiciary Committee or on the floor. I mention that because it was my intention not to treat President Bush's nominees unfairly, and today's vote on the nomination of Justice Schneider demonstrates that we have been far more fair. That is why I have gone forward with Michael Schneider.

Today, September 7, the Senate considers the nomination of Michael Schneider to the U.S. District Court for the Eastern District of Texas. Justice Schneider has served on the Supreme Court of Texas for two years. Including his 12 years of service as a trial and appellate judge and his part-time position at a municipal court, Justice Schneider has served as a judge in one capacity or another for 25 years.

Justice Schneider served as Assistant District Attorney for Harris County, from 1971 to 1975. I also remember first meeting this nominee when I was serving as State's Attorney for Chittenden County and Mr. Schneider was a defense attorney working on cases involving fraud, organized crime and other white collar crimes. Throughout his career, Justice Schneider has demonstrated a commitment to serving those less fortunate, by developing a mock trial program at a school in an impoverished neighborhood, participating in Habitat for Humanity projects, establishing alternative dispute resolution programs, and working with the State Bar of Texas to increase access to justice.

Justice Schneider has a reputation as a conservative, but fair-minded judge. In general, his opinions have focused on statutory interpretation, proper trial procedures, and the rule of law. Justice Schneider's confirmation will mark the 16th district court nominee of President Bush's from the State of Texas who has received a hearing before the Senate Judiciary Committee and has been confirmed. This nomination will fill the last remaining vacancy on the Texas federal district courts. Of course, we have not heard and likely will not hear a single word of appreciation from the White House that all 16 men and women the President has nominated to the federal trial courts in Texas have been confirmed by the Senate.

Our bipartisanship toward his nominees stands in marked contrast to the fate of many of President Clinton's nominees from Texas, who were blocked and delayed by the Republican majority, including Enrique Moreno and Judge Jorge Rangel, Ricardo Morado; and Judge Michael Schattman. While Republicans blocked these Texas nominees along with more than

60 other Clinton judicial nominees, Senate Democrats have by contrast acted fairly and expeditiously toward President Bush's judicial nominees. The treatment of Judge Schneider's nomination stands in stark contrast to how Texans nominated by President Clinton were treated.

After Judge Jorge Rangel, disappointed with his treatment at the hands of the Republican majority, asked President Clinton not to resubmit his nomination for endless delay, President Clinton nominated Enrique Moreno, a distinguished attorney in private practice in El Paso, Texas and a native of Mexico. Mr. Moreno is a graduate of Harvard University and the Harvard Law School. He was given the highest rating of unanimous "Well Qualified" by the ABA. Mr. Moreno's nomination languished for 15 months, with President Clinton renominating him at the beginning of 2001. President Bush missed one of many opportunities for bipartisanship when he withdrew that nomination and, instead, sent the Senate the divisive nomination of Priscilla Owen.

In addition to defeating the district court nomination of Judge Michael Schattman by inaction, Republicans delayed confirmation of Judge Hilda Tagle for more than two and a half years with no explanation for their actions. When Ricardo Morado was nominated to the district court by President Clinton on May 11, 2000, Republican Senators indicated that this was just too late in an election year for him to be confirmed. In contrast, Justice Schneider was nominated later in the year than Richard Morado, on May 17, 2004. Senate Democrats are, again, demonstrating their extraordinary good faith with respect to this nomination in light of recent Republican excesses.

This confirmation is taking place in September of a presidential election year, which is long past the deadline for action under the "Thurmond Rule." In July 1980, Republican presidential candidate Ronald Reagan asked Senate Republicans, then in the minority, to stop confirming the judicial nominees of President Carter. Senator Strom Thurmond, who was then the Ranking Member of the Judiciary Committee, was happy to oblige. Republicans were able to accomplish this blockade with only a few exceptions that required Republican consent. Senate Republicans have adhered to this rule with a Democratic President, whether they were in the minority, as in 1980, or the majority, as in 1996 and 2000. Although vacancies were much higher in those years than today, Republicans insisted on maintaining judicial vacancies to be filled by the President elected in the coming fall election.

With today's unanimous consent agreement for votes on two district court nominees including Judge Schneider, the Senate will have confirmed 200 judicial nominees of President Bush. In 17 months of a Democratic majority in the Senate, we con-

firmed 100 of his judicial nominees, and now with a total of 26 months of Republican control of the Senate another 100 judicial nominees have been confirmed.

Despite all of the complaining by the President and his partisans, the fact of the matter is that with today's votes the Senate will have approved 200 of his judicial nominees. He has appointed more judges in his first term than President Ronald Reagan did in his first term, more than his father did in his presidency and more than President Clinton did in his most recent term in office. Thanks to the bipartisanship demonstrated by Senate Democrats, we have reached the lowest number of vacancies in the federal courts since the Reagan era. With today's confirmation votes, there will be only 26 open seats in the entire federal bench, and there are more federal judges serving today than at any time in our history.

The Senate has withheld its consent from some of this President's most extreme and unfair nominations but no where near the number of moderate Clinton nominees that Republicans stalled in recent years.

I congratulate Justice Schneider and his family on his confirmation.

Finally, I note today is the 7th day of September and we are way beyond what is called the "Thurmond Rule." It was back in July of 1980 when Ronald Reagan, who was not yet President but was running for that office sought to stop any more judicial nominees of President Carter from being confirmed. The Republicans were actually in the minority in the Senate but candidate Reagan asked Senator Thurmond, who was the Ranking Member of the Senate Judiciary Committee which was led by Chairman KENNEDY, to block any more nominees from being confirmed for the remainder of the year. Senator Thurmond happily obliged and from July 1980 until the end of the year the only judicial nominees confirmed were those who had the consent of the Majority Leader and the Minority Leader and the Chairman and Ranking member of the Senate Judiciary Committee. All of President Carter's other judicial nominees were blocked and defeated without votes.

The "Thurmond Rule" is that after July or the nominating conventions no more judges will be confirmed in a Presidential election year unless there is consent. Today's vote on Justice Schneider actually will be one of the last votes, as we all know. But it is an interesting thing. I note that every year where there has been a Democratic President, Republicans have adhered to the Thurmond rule as though it was handed down from on Mount Olympus. The Olympian heights of that standard, precedent and history somehow have changed when there was a Republican in the White House. Now that there is a Republican in the White House, we have heard little about this precedent from Republicans even though it was sheer gospel to them

when there was a Democratic President.

Having said that, I fully support the confirmation of Judge Virginia Maria Hernandez Covington and that of Justice Michael Schneider.

I withhold the remainder of time.

I suggest the absence of a quorum and ask unanimous consent that the time run equally.

Mr. HATCH. Mr. President, I have to reserve the right of the two Senators from Texas, if my friend will permit it.

Mr. LEAHY. We are trying to reserve time for the Senator from Florida. I am sure between the Senator from Utah and the Senator from Vermont we can make the appropriate unanimous consent request. It is obvious the Senator from Texas should be heard, and obviously the Senator from Florida should be.

Mr. HATCH. Mr. President, I agree with that. We can work it out.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I want to express my strong support for the nomination of Justice Michael Schneider to serve on the District Court for the Eastern District of Texas.

First, I say thank you to the chairman of the Judiciary Committee, Senator HATCH, as well as the ranking member, Senator LEAHY, for working with us to try to fill this important vacancy in the Eastern District of Texas.

The vacancy that will be filled by this nomination was created by the untimely passing of Chief Judge John H. Hannah, Jr. Judge Hannah was a good man and a distinguished jurist. His family's loss was also a great loss to the State of Texas.

I have enjoyed working with Judge Hannah throughout his career. I recall working with him on a variety of matters when he served as secretary of state of Texas from 1991 to 1994. And Senator HUTCHISON and I worked closely with him just last year on legislation to authorize the Eastern District of Texas to hold court in the city of Plano. That bill, S. 1720, was important to Judge Hannah, who always worked hard to serve the citizens of the Eastern District. He passed away the day after the President signed that legislation into law.

The death of Judge Hannah leaves some big shoes to fill, but President Bush could not have filled them better than with the nomination of Texas Supreme Court Judge Michael Haygood Schneider.

Justice Schneider will bring to the Federal district court the wisdom, judgment, and experience of over a quarter century of service on the bench. He understands—as any good

judge must—that the duty of a judge is to interpret the law, not to legislate from the bench.

Justice Schneider has held virtually every position in the State court system that Texas has to offer. From 1978 to 1990, he served on the West University Place Municipal Court. Then, he served on the 157th District Court of Texas, located in Houston, until 1996. Next, he became Chief Justice of the First Court of Appeals in Houston. He served there until 2002, when he was appointed Justice of the Supreme Court of Texas, where I once served. He has been honored as both Trial Judge of the Year and Appellate Judge of the Year by the Texas Association of Civil Trial and Appellate Specialists.

In addition to this extraordinary record of judicial service, Justice Schneider also served the people of Texas in the role of Assistant District Attorney for Harris County. Justice Schneider is a graduate of Stephen F. Austin State University, the University of Houston College of Law, and—more recently—the LL.M. program of the University of Virginia Law School. And he has a distinguished record of civic involvement.

Justice Schneider's reputation as an exceptional jurist and a true gentleman is well known throughout the State of Texas. It is also well known by the American Bar Association, which gave him its highest rating, when its standing committee on the Federal Judiciary unanimously certified him as "well qualified" for the Federal bench. And his nomination enjoys broad bipartisan support across the State of Texas. For example, Susan Hays, who chairs the Dallas County Democratic Party, has written a strong letter of support.

Justice Schneider is also a humble man. His profile on the Texas Supreme Court's website points out that "[h]e held a variety of jobs during college and law school," including "searching titles at a major oil company, managing apartments, driving ambulances, operating a school bus for disabled children, working at a funeral home, teaching school, delivering milk, clerking for a law firm, managing a college cafeteria, serving as a waiter, bell hopping at a hotel, and serving as an intern at the United States Attorney's Office." I'm tempted to ask him which of these jobs best prepares him for life as a Federal district judge.

I am pleased that the President has nominated Justice Schneider to serve on the Eastern District of Texas, and I look forward to his service on the Federal bench in the great State of Texas.

Daniel Webster said that justice is the greatest desire of man on Earth. It is, I suppose, the reverence we have for the aspiration of justice that we honor men and women by allowing them to wear a black robe and to judge us.

Justice Schneider, as the chairman of the Judiciary Committee has already noted, has had a distinguished judicial career of having served at all levels of

the Texas State judiciary. Beyond that, Justice Schneider has a reputation for being a gentleman, being an honorable person and one who will do well in this important position.

I ask my colleagues to support this nomination. I say how delighted I am, given this late point in the year when many judicial nominations would not ordinarily be brought up, that there has been bipartisan consensus that this good man and this good judge be put up for an up-or-down vote.

I also ask unanimous consent to print in the RECORD a letter from the Dallas County Democratic Party.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DALLAS COUNTY DEMOCRATIC PARTY,  
July 6, 2004.

Chairman ORRIN G. HATCH,  
Senator PATRICK J. LEAHY,  
Senator JOHN CORNYN,  
*Members of the Senate Committee on the Judiciary.*

Re Nomination of Michael H. Schneider, Sr.  
for the United States District Judge for  
the Eastern District of Texas

TO THE MEMBERS OF THE COMMITTEE: I write to encourage you to confirm the nomination of Justice Schneider. As the Dallas County Democratic Chair, I supported Justice Linda Yañez, Justice Schneider's opponent in his 2002 race for the Texas Supreme Court. During that election season I learned a great deal about Justice Schneider, namely how well-regarded and well-respected he is by the bench and the bar in Texas. Even the plaintiff's bar in Houston, Justice Schneider's home base, supported his race out of respect for his dedication to following the law.

During his tenure on the Texas Supreme Court I have followed his performance closely. (I served as a law clerk on the court during the 1997-1998 term, and specialize in civil appellate work in my law practice.) While on the Court he has been a voice of moderation and judicial conservatism. In the many conversations I have had with Texas appellate lawyers—of all political persuasions—the overwhelming consensus is that Justice Schneider has done a wonderful job on the Court and fully deserves to be elevated to the federal bench. Justice Schneider is dedicated to the rule of law and the integrity of the judicial system. The only reservation I have about his nomination is that I hate to lose his influence on the Texas Supreme Court. In addition to being a Democrat, I am a member of the Texas Trial Lawyers Association and the Dallas Trial Lawyers Association. Speaking both as a Democrat and as a plaintiff's lawyer, I urge the Committee to confirm Justice Schneider.

While much has been made in the press about partisan gridlock over judicial nominations, as a partisan leader and as a lawyer I know there are times the parties should come together to support a nominee. This is such a time. I urge the Committee to vote on Justice Schneider's nomination at Wednesday's hearing. A quick vote is critical this late in an election year. If you have any questions about my support of his nomination, please call me at 214-557-4819.

Sincerely,

SUSAN HAYS,  
*Chair.*

The PRESIDING OFFICER. The senior Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am very pleased the distinguished Senator from Texas on the Judiciary Committee has spoken. I am happy to add my remarks.

I particularly thank the chairman of the committee and the ranking member. Senator HATCH and Senator LEAHY have tried on this nomination and the ones we are voting on today to get these judicial nominations through. I very much appreciate it.

We know this is late in the year and sometimes we get hung up on things. I have not agreed with everything that has happened in the Judiciary Committee, but on this nomination I appreciate everyone's word being kept. I had very much hoped we could have this nomination confirmed. I hope there will be a few others, as well. We do have another Texan coming up later this week.

I am happy to support my friend, a fellow Texan, Justice Michael Schneider. I have known Mike and his wife Mary for years. I know this man. I know his wife. I know their family. I know they will be exemplary public servants.

In February, I, along with Senator CORNYN, recommended him to President Bush for the eastern judicial district. He has exemplified what we want in Federal judges. For 25 years, he has sat on the bench from the bottom to the top. Here is a man who knows the judiciary. He was in West University Place, which is a small town near Houston, TX, on the municipal court. Then he was on the district bench in Houston, Harris County. Then he was the chief justice of the first Texas Court of Appeals, once again in Harris County, before he rose to the Supreme Court of Texas where he has served since 2002.

He has also served as assistant district attorney of Harris County and he has served in the private sector. He earned his bachelor's degree from Stephen F. Austin State University in 1965, in Nacogdoches, TX, and also earned a law degree from the University of Houston College of Law in 1971 and a master of law degree from the University of Virginia School of Law in 2001.

He has been honored judge of the year twice by the Texas Association of Civil Trial and Appellate Specialists and by the Houston Police Officers Association.

We have a judge who is known to the community, all sides of the bar. He is certainly respected by all. This is virtually unanimous. It is unanimous. The ABA rating was the highest that could be given. I believe we will have a unanimous vote today based on his great qualifications. I am happy to recommend him to my colleagues in the Senate.

I yield the floor.

The PRESIDING OFFICER. The time controlled by the majority has expired. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask that it be in order to ask unanimous

consent that we request the yeas and nays on both Ms. Covington and Mr. Schneider and I would ask for the yeas and nays with one show of hands as a request for the yeas and nays on both.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I commend the distinguished Senator from Florida. It was his use of a bipartisan commission to make sure that we had this exemplary nominee.

I yield the remainder of my time to the Senator from Florida.

Mr. NELSON of Florida. I thank the distinguished Senator from Vermont. I commend the chairman and the ranking member for their bipartisanship. I compliment the Senators for their bipartisanship.

We already had this agreement on the number of judges we were going to do, proffered some months ago. The fact that a judicial nominee of the quality of Judge Covington from Tampa, FL, would come to the committee in a bipartisan fashion—members were very kind to move a nominee such as this. Indeed, this is the way the Senate ought to be working. I am grateful the judge I was recommending was the beneficiary of that bipartisanship.

Indeed, Judge Virginia Hernandez Covington, a product of Tampa, a product of the University of Tampa, both bachelor's and master's degree, and Georgetown Law, a former assistant U.S. attorney in the U.S. Attorney's Office for almost 20 years, with 70 commendations while there, was then appointed to our State court system to the district court of appeals where she is now serving her 6-year term.

She has lectured extensively on a whole host of complex legal subjects. When our office called her to give her the good news that her nomination, thanks to these two distinguished Senators, was scheduled for a vote, she was down practicing her fluent Spanish in South America where she was teaching earlier this year.

This is the kind of bipartisanship and nominee we want. What do we want? It is clear to me what I want in a judge. I want someone who has judicial temperament. I want someone who is going to be openminded and who will look at the facts and will apply the law. Outstandingly, Judge Covington represents that particular example of what a judge should be.

She is going to have a tremendous success as a Federal judge. She is going to make an excellent addition to the high quality of judges we have been very fortunate in Florida to have. I congratulate Judge Covington because her nomination will be confirmed within a few moments.

I yield the floor.

Mr. HATCH. Mr. President, one last thing I mention to my colleague on the other side. I ask unanimous consent

there be 2 minutes of debate equally divided between the two rollcall votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Virginia Maria Hernandez Covington, of Florida, to be United States District Judge for the Middle District of Florida? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from South Carolina (Mr. GRAHAM), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Missouri (Mr. TALENT) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 164 Ex.]

YEAS—91

Alexander	Dodd	Lott
Allard	Dole	Lugar
Allen	Domenici	McCain
Baucus	Dorgan	McConnell
Bayh	Durbin	Mikulski
Bennett	Ensign	Miller
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Byrd	Harkin	Rockefeller
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Chambliss	Inouye	Smith
Cochran	Jeffords	Snowe
Coleman	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kohl	Stevens
Cornyn	Kyl	Sununu
Corzine	Landrieu	Thomas
Craig	Lautenberg	Voinovich
Crapo	Leahy	Warner
Daschle	Levin	Wyden
Dayton	Lieberman	
DeWine	Lincoln	

NOT VOTING—9

Akaka	Graham (FL)	Murkowski
Clinton	Graham (SC)	Santorum
Edwards	Kerry	Talent

The nomination was confirmed.

Mr. HATCH. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be recognized to speak for up to 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAPPY 80TH BIRTHDAY TO SENATOR INOUE

Mr. STEVENS. Mr. President, one of the pleasures of being in this body is to

be around men younger than I. One in particular I have traveled with considerably and for whom I have great fondness—he must have just walked off the Senate floor; I hope someone brings him back. I wish to call the attention of the Senate to the fact that my brother from Hawaii is 80 years old today.

(Applause.)

The PRESIDING OFFICER. The Senator from Utah.

NOMINATION OF MICHAEL H. SCHNEIDER, SR.

Mr. HATCH. Mr. President, I yield our minute to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I commend Michael Schneider to my colleagues. He has had 25 years on the bench, starting as a municipal judge and working his way to the Supreme Court of Texas. He is one of the most respected judges in Texas, and I hope all my colleagues will vote for him.

I ask my colleague, Senator CORNYN, if he wishes to finish this minute.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I had a chance to speak earlier in support of this wonderful nomination, Judge Mike Schneider. I join my colleague in encouraging each of our colleagues to vote for him.

I also want to say how much I appreciate the ranking member of the Judiciary Committee and Chairman HATCH for making this vote possible tonight. I urge my colleagues to vote for the nomination.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have already spoken in favor of Justice Schneider. Mike and I first met when we were both much younger prosecutors. I urge my colleagues on this side of the aisle to support his nomination.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael H. Schneider, Sr., of Texas, to be United States District Judge for the Eastern District of Texas? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Pennsylvania (Mr. SANTORUM) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 1, as follows:

[Rollcall Vote No. 165 Ex.]

YEAS—92

Alexander	Dodd	Lott
Allard	Dole	Lugar
Allen	Domenici	McCain
Baucus	Dorgan	McConnell
Bayh	Durbin	Mikulski
Bennett	Ensign	Miller
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (SC)	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Byrd	Hagel	Rockefeller
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Chambliss	Inouye	Smith
Cochran	Jeffords	Snowe
Coleman	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kohl	Stevens
Cornyn	Kyl	Sununu
Corzine	Landrieu	Talent
Craig	Lautenberg	Thomas
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
Dayton	Lieberman	Wyden
DeWine	Lincoln	

NAYS—1

Harkin

NOT VOTING—7

Akaka	Graham (FL)	Santorum
Clinton	Kerry	
Edwards	Murkowski	

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of these actions.

NOMINATION OF MICHAEL H. WATSON TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO

The PRESIDING OFFICER. The clerk will report the next nomination.

The assistant legislative clerk read the nomination of Michael H. Watson, of Ohio, to be United States District Judge for the Southern District of Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I take a few minutes to speak about Judge Michael H. Watson, who is from my home State of Ohio. He is from Columbus. As my colleagues are aware, President Bush nominated Judge Watson to serve as a Federal judge in the Southern District of Ohio.

I would like to take a moment to tell my Senate colleagues why I believe so strongly in his nomination. Judge Watson is exactly the sort of person we ought to have serving on the Federal bench. He has had a long and distinguished career as a public servant. He has been a judge on the 10th District Court of Appeals in Franklin County since Governor Bob Taft appointed him in May 2003.

From 1996 to 2003, Judge Watson served on the Franklin County Common Pleas Court, a position he was appointed to by then-Governor George

Voinovich and to which he was re-elected twice.

In Ohio, the Common Pleas Court is the highest trial bench. It is the court that tries all the major civil and criminal cases. During his last 3 years on the trial court, Judge Watson served as administrative judge with responsibility of the administrative management of the 16-member court and its staff. He dealt with, literally, thousands of cases during his time as a State trial court judge.

Before serving on the bench, Judge Watson worked for the office of then-Governor George Voinovich—first as Deputy Chief Legal Counsel and then, from 1994 to 1995, as Chief Legal Counsel. Prior to that, he was Chief Legal Counsel to the Director of the Ohio Department of Commerce. Judge Watson also spent several years in private practice, focusing primarily on personal injury litigation, employment disputes, workers' compensation, and criminal defense.

Without question, Judge Watson has had an impressive legal career. But what really impresses me about him is how hard he has worked throughout his life. Judge Watson has genuinely lived the American dream by working hard and overcoming the odds.

Not long after high school, the Judge enlisted in the Air Force and served for over 3 years. When he was discharged, he enrolled at the Ohio State University and continued his service in the military in the Air National Guard. While in college, he married his high school sweetheart, Lori, and they had their first son when Judge Watson was a junior in college. During all this time, Judge Watson was working full-time in the Franklin County prosecuting attorney's office. That's right, Mr. President; Judge Watson was enrolled at OSU full-time, raising a family, serving in the Air National Guard, and working full-time.

When Judge Watson finished college, he enrolled in a law school night program at Capital University Law School. During the day, Judge Watson worked full-time as a court bailiff for a well-known Franklin County judge. That job evolved into a law clerk position, in which Judge Watson remained for his entire 4 years of law school.

If someone in my family or I ended up in a Federal court, I would want a judge who could relate to me. I would want a judge who knows what the real world is like for most Americans. I would want a judge who knows what it is like to struggle and what it is like to be faced with the real world. Judge Watson is that kind of judge.

Of course, I would also want a judge who knows what he is doing and who will enforce the law—and Judge Watson has clearly proven he is qualified for the job in that respect. But what Judge Watson has that makes him really outstanding, in my view, is his ability to make decisions with compassion and with a true understanding of what it is like in the real world.